

Modified by CAHO (6/27/88) Ref. No. 19.

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

United States of America, Complainant, v. Chuy's Paint and Body Shop, Respondent; 8 U.S.C. 1324a Proceeding; Case No. 88100019.

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT

On March 21, 1988, Complainant, the Immigration and Naturalization Service (INS), issued a complaint regarding unlawful employment (complaint). By date of March 25, 1988, the Chief Administrative Hearing Officer issued a notice of hearing on the INS's complaint. Among other provisions, the notice of hearing advised Respondent (Chuy's Paint and Body Shop) that an answer must be filed within 30 days after receipt of the complaint, and that on failure to answer, an administrative law judge may enter a judgment by default granting appropriate relief. The return receipt reflects that Respondent signed for receipt of the notice of hearing on March 29, 1988. Thus, an answer was due by Friday, April 29, 1988. 28 CFR 68.6(a).

Respondent failing to file an answer, Complainant submitted a motion, dated May 5, 1988 with copies to Respondent, requesting a default judgment. By letter of May 13, 1988, copy to Respondent, I requested Complainant to submit a proposed judgment listing the specific relief requested. Complainant INS complied by transmittal dated May 24, 1988, copy to Respondent.

Respondent Chuy's Paint and Body Shop having failed to file an answer, and the time for filing same having expired, I find Respondent has waived its right to appear and contest the allegations of the complaint, and that a judgment by default is appropriate. 28 CFR 68.6(b). Accordingly,

I FIND RESPONDENT, Chuy's Paint and Body Shop, in default, and

I ORDER CHUY'S PAINT AND BODY SHOP to take the following action:¹

1. Cease and desist from violating Section 274A(a)(1)(B), 8 USC 1324a(a)(1)(B), of the Immigration and Nationality Act ('`the Act``'). Specifically, Respondent shall cease and desist hiring, for employment in the United States, any individual without complying with the verification requirements of Section 274A(b) of the Act, which requires a person or entity to verify, under penalty of perjury, on the Employment Eligibility Verification Form (Form I-9), the identity and employment eligibility of all individuals hired after November 6, 1986.

2. Pay a FINE in the amount of \$400 either in cash or in the form of a cashier's check, certified check, money order, or bank check made payable to the ``Immigration and Naturalization Service`` and deliver same to: Chief Patrol Agent, United States Border Patrol, 2301 South Main, McAllen, Texas 78503.

Dated at Atlanta, Georgia June 2, 1988.

RICHARD J. LINTON
Administrative Law Judge

¹Review of this final order may be obtained by complying with the provisions of 28 CFR 68.52.